

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL D. ROSE,)	
Plaintiff)	
)	
v.)	C.A. NO. 12-CV-30062-MAP
)	
CITY OF PITTSFIELD, ET AL.,)	
Defendants)	

MEMORANDUM AND ORDER RE: DEFENDANTS'
MOTION TO DISMISS OR BIFURCATE
(Dkt. No. 21)

February 27, 2013

PONSOR, U.S.D.J.

Counsel appeared on February 26, 2013 for argument on Defendants' Motion to Dismiss or Bifurcate (Dkt. No. 21). At the conclusion of the hearing the court DENIED the motion, both with regard to dismissal and bifurcation, except with regard to any claim pursuant to the Fifth Amendment, which was DISMISSED. In essence, the court found that the allegations of the complaint were sufficient, at this stage, to support the claims of municipal and supervisory liability, and that the Mayor and Chief of Police were not entitled to qualified immunity. As a matter of discretion, the court determined that bifurcation, at this stage, was inappropriate.

The court has this day issued a separate preliminary Pretrial Scheduling Order to take the case through non-expert

discovery.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

United States District Judge